

## **REMARKS**

### **I. INTRODUCTION**

Upon entry of the present amendment, claims 1-8 and 10-19 will be pending in the present application. By the present amendment, claims 9 and 20 have been cancelled without prejudice. No new matter has been added herein by the present amendment.

In view of the foregoing amendments and the following remarks, Applicants respectfully submit that the claims are now in condition for allowance. Applicants point out that the amendments made herein are made without prejudice to the future prosecution of such cancelled, amended or modified subject matter in a related divisional, continuation or continuation-in-part application.

### **II. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 9 and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out what is included or excluded by the claim language. Applicants have herein cancelled claims 9 and 20, thereby rendering this indefiniteness rejection moot. Thus, Applicants respectfully request withdrawal of this rejection.

### **III. REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-8 and 10-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by US 4,966,302 ("Hjordie"). Applicants respectfully submit that these anticipation rejections should be withdrawn for at least the following reasons.

Hjordie is directed to a snap locking device for a container with a cover. Hjordie describes a container including a skirt, only part of which can be raised and lowered to disengage from a container projection 5. As can be seen from Figure 4 of Hjordie, the skirt includes a reinforcing member 12 that cannot be flipped between raised and lowered configurations such that it is clear of projection 5 of the container. Indeed, the reinforcing unit 12 enables the “effective, temporary closing and sealing of the cover” when the flippable flange 3 of the skirt is in the folded up state (see Hjordie, column 3, line 54 to column 4, line 2). That is, in Hjordie, part of the skirt is still in engagement with the container projection, and part of the skirt has been raised such that it is not in engagement with the container projection.

In contrast to the disclosure in Hjordie, the arrangement of the present invention, as currently defined in claim 1, includes the recitation of “wherein the lower portion of the skirt is divided into at least two discrete peripheral sections that may be flipped between the raised and lowered configurations independently of each other” (emphasis added). Although the container of Hjordie does include a skirt of which part can be raised and lowered, the lower portion of the skirt itself is not divided into sections that can all be raised and lowered, as is currently recited in the pending claims.

In regard to the arrangement of the present invention, by dividing the entire lower portion of the skirt, the cover of the present invention can be easily removed from the container without any resistance from part of the lower skirt which is still in engagement with the container. Once again, this is in contrast to the cover of Hjordie, wherein the reinforcing unit 12 resists removal of the cover when the

flippable flange 3 is in the folded up state (see Hjordie, column 3, line 54 to column 4, line 2). Indeed, it is the provision and utilization of the reinforcing unit 12 which forms the basis of the invention described in Hjordie. Thus, there is nothing to suggest or teach that this could be removed in order to allow all of the skirt to be raised and lowered.

Therefore, for at least the preceding reasons, it is respectfully submitted that the rejections of the claims under 35 U.S.C. § 102(b) have been overcome and should therefore be withdrawn.

IV. CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and request that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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